



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, S.W.
WASHINGTON, D.C. 20554

DA 07-1647

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet <http://www.fcc.gov> fip.fcc.gov

Released: April 5, 2007

CLEARWIRE SPECTRUM HOLDINGS II LLC
SEEKS FCC CONSENT TO THE TRANSFER OF CONTROL OF LICENSES HELD BY
BELLSOUTH WIRELESS CABLE, INC. AND SOUTH FLORIDA TELEVISION, INC. FROM
AT&T INC. TO CLEARWIRE SPECTRUM HOLDINGS II LLC

WT Docket No. 07-70

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: May 7, 2007
Oppositions Due: May 17, 2007
Replies Due: May 24, 2007

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I. INTRODUCTION

Clearwire Spectrum Holdings II LLC (the "Applicant") has filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended.¹ In these applications, the Applicant seeks Commission approval of the transfer of control of Broadband Radio Service ("BRS") licenses held by BellSouth Wireless Cable, Inc. and South Florida Television, Inc. from AT&T Inc. to Clearwire Spectrum Holdings II LLC ("Clearwire")?

II. SECTION 310(d) APPLICATION

The following applications for consent to transfer control of BRS licenses to Clearwire have been assigned the file numbers listed below.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0002912776	BellSouth Wireless Cable, Inc	B024
0002912780	South Florida Television, Inc.	WHJ893

¹ 47 U.S.C. § 310(d).

² See Applications, Exhibit 1 at 1. Applicant also seeks Commission approval of possible subsequent assignment and/or transfer of control applications using the Commission's procedures for *pro forma* transactions. See *id.* at 3.

III. *EX PARTE* STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,) the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest **so** requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules!

Parties making oral *ex parte* presentations are directed to the Commission's statement reemphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁵ More than a one- or two-sentence description of the views and arguments presented is generally required! Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.⁷ We urge parties to use the Electronic Comment Filing System ("ECFS") to file *ex parte* submissions.⁹

IV. GENERAL INFORMATION

The transfer of control application referenced herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return the application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. Final action on this application will not be taken earlier than thirty-one days following the date of this Public Notice.¹⁰

Interested parties must file petitions to deny no later than **May 7, 2007**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings must be filed no later than **May 17, 2007**. Replies to such pleadings must be filed no later than **May 24, 2007**. All filings concerning matters referenced in this Public Notice should refer to **DA 07-1647** and WT Docket No. 07-70, as well as the specific file number of the individual application or other matters to which the filings pertain.

Under the Commission's current procedures **for** the submission of filings and other documents," submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

³ 47 C.F.R. § 1.1200(a).

⁴ 47 C.F.R. § 1.1206

⁵ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

⁶ See 47 C.F.R. § 1.1206(b)(2).

⁷ *Id.* § 1.1206(b).

⁸ See discussion *infra* Part IV

⁹ See 47 U.S.C. § 309(b).

¹⁰ See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd 21483 (2001); see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001); Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd 16705 (2003).

- **If filed by ECFS,** comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight **U.S.** Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than **U.S.** Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. **All** filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Nancy Zaczek, Broadband Division, Wireless Telecommunications Bureau, at nancy.zaczek@fcc.gov, or (202) 418-8188 (facsimile) for legal issues; and (3) Mary Shultz, Broadband Division, Wireless Telecommunications Bureau for licensing issues, at mary.shultz@fcc.gov, or (717) 338-2696 (facsimile).

Copies of the application and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. The application and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The application is also available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. In addition, applications filed under Part 27, of the Commission's rules are available electronically through **ULS**, which may be accessed on the Commission's Internet website. Alternate formats of this public notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to access@fcc.gov.

¹¹ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

For further information, contact Nancy Zaczek, Broadband Division, Wireless Telecommunications Bureau, at (202) 418-2487, or Mary Shultz, Broadband Division, Wireless Telecommunications Bureau, at (717) 338-2656.

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